



STATE OF WASHINGTON

SEX OFFENDER POLICY BOARD

PO Box 40927 • Olympia, Washington 98504-0927

(360) 407-1050 • FAX (360) 407-1043

MINUTES

Registration and Notification Committee

Tuesday, August 11, 2009

9:00 a.m. to 1:00 p.m.

Washington Assoc. of Sheriffs and Police Chiefs

3060 Willamette Drive N.E.

Lacey, WA 98506

Members Present:

Russ Hauge
Maureen Saylor
Bev Emery
Kecia Rongen
Brad Meryhew
Carolyn Sanchez
Mark Brown
Dianne Ashlock
Lindsay Palmer
Jeri Costa

Staff Present:

Shoshana Kehoe-Ehlers
Shannon Hinchcliffe
Andi May

Others Present:

Dave Bentley, Spokane Sheriff's Department; Brian Harlow, JRA; Bob Conklin, Private Citizen; Charles Shelan, Community Youth Services; Dawn Larsen, Washington Association of Sheriff and Police Chiefs; Dave VanWormer, Spokane Sheriff's Department; Shani Bauer, Senate and Human Services Committee; Nathan Johnson, Senate Republican Caucus

I. Call to Order

Chair, Kecia Rongen, called the meeting to order 9:15 a.m.

II. Introductions

III. Approval of Minutes

The approval of the July 14, 2009 Minutes was tabled.

IV. Committee Recommendation Process

The Committee adopted Ms. Rongen's proposal for deciding upon what workgroup recommendations move forward, and which recommendations need additional work.

V. Discuss WSIPP Study

The Committee discussed WSIPP's findings in its meta-analysis titled, DOES SEX OFFENDER REGISTRATION AND NOTIFICATION REDUCE CRIME? A SYSTEMATIC REVIEW OF THE RESEARCH LITERATURE (June 2009)

Committee members made the following observations of the report:

- The study does not appear to draw a clear conclusion about the impact registration and notification laws have on recidivism. There doesn't appear to be evidence one way or the other. It does look like that the public feels registration and notification is reassuring and protective. However, there are no concrete examples or evidence that anyone can point to support this.
- This could open the door to recommending some innovative evidence based approaches on sex offender registration and notification.
- In light of the national and state budget issues, important to catch the high-risk offenders and invest the necessary services into them. Look at cost-benefit analysis of the current way we do registration and notification for low risk offenders. This provides an excellent opportunity to present the message that the majority of offenses are committed by family members, friends or someone the victim knows; and that "stranger danger" is not where the majority of the focus should be.
- Most of the WSIPP studies are based on adults. This study demonstrates that we know even less about juveniles as demonstrated by lack of reports and studies discussed in the meta-analysis.

- As we progress, keep in mind that there is no magic answer. When bad things happen, it does not mean that the system failed. Be explicit about that to the public and how laws cannot continue responding to rare incidents.
- Risk assessments are and can be better because we have the benefit of looking over 20 years of practices.
- Would like WSIPP to do a particular cost-benefit analysis. Discussion about looking at the cost projection to manage the existing laws; maybe have WSIPP do a fiscal note.

VI. Review Juvenile Workgroup Recommendations

Ms. Rongen reviewed this workgroup's updated recommendations for the November 1, 2009 Report to the Washington State Legislature. (See handout) These were revised based on feedback from the July 2009 Committee meeting.

Workgroup Recommendation Values:

- Juveniles should be treated differently than adults who commit sex offenses.
- Juveniles have unique characteristics; a "one size fits all" approach is not effective.
- Registration and community notification laws should be different for juveniles and adults.
- There should be a rehabilitative approach with juveniles consistent with the juvenile justice system.
- Assessment, registration and community notification should be consistent across the state.

The Committee supported the above *values*.

Registration Recommendations:

- This workgroup decided they will not address juveniles who were remanded to adult court.
- Registration for juveniles should be based on risk, rather than offense.

Ms. Rongen asked the Committee whether the registration should be based on risk as opposed to offense. The following discussion points were made by the Committee members regarding this issue:

- Concern about having the sentencing judge making the registration determination when victim(s) families are present due to the very sensitive and emotional nature of a sentencing hearing.

- Prosecutors are concerned about solely basing registration on risk, and not considering the offense as well.
 - Some committee members agreed changing the risk assessment process for community notification purposes, but do not necessarily agree or understand the rationale behind doing away with registration all together for some juvenile sex offenders.
 - The Committee explained why they recommended not registering some low level kids. The rationale included that there is research to support this. There are already harmful collateral consequences with registration alone. A point was made that just having a sex offense conviction is a collateral consequence in of itself.
 - There was a proposal that a multi-disciplinary committee determine whether a kid should have to register.
 - There was concern that if the Board drops the registration requirement for some youth we will have a non-starter with the legislature.
 - The reasoning behind this recommendation is that the offense is not a good predictor of risk.
 - There was some discussion as to whether the Board should direct the report to legislature or provide the full recommendations as supported by research, expertise, science, etc. This will continued to be discussed.
 - There was a suggestion that all youth be placed on the registry initially, but then a risk assessment body could almost immediately risk the kid and he or she can be taken off the registry.
- Assessment upon adjudication for risk through a comprehensive evaluation to determine who would be required to register. (different recommendations were made based on risk level.)
 - Question about recommending **psychosexual** evaluation/assessments upon adjudication to be used for registration purposes. There was discussion as to whether the Juvenile Probation Counselor should perform this or have a state certified provider do so.

Community Notification Recommendations

- ESRC or another other type of multidisciplinary body will assess the youth for purposes of community notification. Use the JRA model and expand it to all the youths who commit sex offenses.
- The handout went on to further recommend what type of notification and who should be notified based on the level.
 - There was some discussion as to why not eliminate notification for youths? There was rebuttal that there are websites that post low level kids, so eliminating notification will not protect them.

- **School Recommendations:** Utilize resources that were created by WCSAP to educate teachers on how to handle information as it related to notification of a juvenile offender in their school.
- **Automatic Termination Recommendations:** Automatically terminate Level 1 juvenile offenders who have obtained no new sex offenses or crimes against a person (at the end of supervision or age 21.) A letter would be sent to law enforcement notifying them of the upcoming termination date. Concerns could then be forwarded to prosecutors for reconsideration as to why the juvenile should remain on the registry.
 - There was discussion about what the petition process would look like.
 - There was some agreement that at a certain age, there needs to be a process to petition, not necessarily an automatic termination.

This workgroup will continue to work on its recommendations based on today's feedback.

VII. Break

The Committee took a 15 minute break.

VIII. Review Community Notification Recommendations

Workgroup Recommendation Values:

- Community Notification of the most serious sex offenders.
- Uniformity of the community notification throughout the state of Washington.
- "Offender Watch" is used as a resource across the state.
- In addition to the criminal justice system, the community has the capacity and bears a responsibility to their safety.

Basis of Recommendations and Discussion by the Committee

For the Most Serious Sex Offenders ~

Community Notification for the most serious SO; many of the meetings get watered down and lose their purpose for the public.

Uniformity ~

Need to find out why there are inconsistencies in the model policies before fixing them.

Sheriff Brown advocated that law enforcement be trained on the model policy so there is much more uniformity; not sure if that means codifying the model policy.

Ms. Palmer expressed at this point that the Committee cannot come up with the mechanics of different policies. Suggest looking at the most promising ideas and then going from there.

These recommendations are based on the assumption that there is a valid, consistent risk assessment tool.

Sheriff Brown noted the problem when no one shows up at the community notification meetings, and then all law enforcement is just left to sending fliers. Suggestion was made that if in-person meetings are not being attended then need to figure out other ways to make it easier for other community members to obtain this information.

There was another suggestion that there could be a multi-disciplinary approach in developing a particular notification process or processes. This could be included in Model Policy. Collaborative approach would be much more inclusive of all the affected parties.

Offender Watch~

Use this resource across the state. Offender Watch can become AWA compliant.

There was agreement that **Prevention** should be a value statement/recommendation; and that Offender Watch should be considered a tool to accomplish these objectives.

IX. Sex Offender Leveling State Survey

Ms. Hinchcliffe presented her research on how other states' laws level adult and juvenile sex offenders.

She briefly reviewed her written survey table and written power point presentation.

The Board Chair, Mr. Hauge, asked that the full presentation be done in front of the Full Board at the September or October meeting.

X. FTR/Registration/Risk Assessment Workgroup Recommendations

Committee Chair Brad Meryhew reviewed his comprehensive handout of recommendations.

- **Registration Deadline:** Standardize deadline requirements for various situations to 3 business days.

Mr. Meryhew suggested that the workgroup may go through the statute and revise/strikethrough sections to reflect their recommendations.

- **Establish affirmative duty to register for those who live out-of-state and are convicted in Washington State.**
- **Whether First-Time Failure to Register Should Remain a Class B Offense**

Increase FTR to a Class B offense upon receiving the third conviction for FTR. This tiered system insures that the most serious offenders receive longer supervision and increases sanctions for repeat behavior.

- **Remove Failure to Register from the list of Sex Offenses.**

Committee briefly touched on it. Workgroup had not reached a consensus on this. Will look into this more at the next meeting.

- **Repeal 90 day check-in for Level II and III sex offenders and institute once a year check-in with continued address verification.**

There was a question raised as to whether sex offenders who do not currently have to do 90 day check in, have been clean for last 20 yrs, have no subsequent criminal offenses, and no longer require treatment; whether they would still have to check in once per year.

- **Comparability Fix:** There is no specific proposal at this time. This is a complicated issue that requires further study.

The Committee briefly touched on this issue. This will continued to be discussed at subsequent meetings.

- **Establish criteria for Courts to consider in petition to be relieved from registration. (See proposed criterion in handout.)**

There was mention about having a deeper discussion about this and also have it related to sentencing; need to lay the foundation for how are we going to create a safety valve for the expensive determinate plus sentencing supervision process.

*Kecia recommended that everyone digest the recommendations and discussion points today and further discuss them at the next meeting. Workgroups will continue to work on the recommendations and include feedback from the Committee

XI. New Business

There was no new business addressed.

XII. Public Comments

There were no public comments.

XIII. Adjournment

Ms. Rongen adjourned the meeting at 12:58 p.m.

APPROVED AND ADOPTED BY THE REGISTRATION AND COMMUNITY NOTIFICATION COMMITTEE.

Kecia Rongen

Date

Shoshana Kehoe-Ehlers

Date